

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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# CHARLES LEE DAMON CLARK,

Case No. 3:15-CV-0527-RCJ (VPC)

**Plaintiff,**

v.

RODRIGO ESPINO, et al.,

**REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

## **Defendants.**

This Report and Recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4. Before the court is plaintiff's motion to voluntarily dismiss this case (ECF No. 25).

On November 10, 2016, plaintiff filed a motion to dismiss this case (ECF No. 25). In the motion, plaintiff states that of his “own volition” he wishes this court to dismiss his case because of “unexpected” and “troublesome circumstances” including not being able to settle this case as well as plaintiff inadvertently losing a piece of evidence. *Id.* Defendants have filed a notice of non-opposition (ECF No. 26).

Based on the foregoing, the court recommends that plaintiff's motion to dismiss (ECF No. 25) be granted and this case dismissed without prejudice.

The parties are advised:

1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this Report and Recommendation within fourteen days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the District Court.

1       2. This Report and Recommendation is not an appealable order and any notice of appeal  
2           pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's  
3           judgment.

## **RECOMMENDATION**

5 IT IS THEREFORE RECOMMENDED that plaintiff's motion to dismiss (ECF No. 25) be  
6 **GRANTED** and this action be **DISMISSED** without prejudice.

7 DATED: January 17, 2017.

Valerie P. Poole  
UNITED STATES MAGISTRATE JUDGE